

resistant material impervious to mercury which will prevent escape of mercury from the package irrespective of its position;

(iii) Tubes which do not contain more than 5 g (0.2 ounce) of mercury each and which are packed in the manufacturer's original packagings, are authorized up to a total net quantity of 30 g (1.1 ounces) of mercury per package;

(iv) Tubes which are completely jacketed in sealed leakproof metal cases are authorized in the manufacturer's original packagings.

(4) A person offering for transportation electron tubes, mercury vapor tubes, and similar tubes shall indicate the quantity of mercury therein on the shipping paper.

(5) Mercurial barometers conforming to paragraph (c)(1) of this section, which are loaded and unloaded from an aircraft under the supervision of, and accompanied in flight by, a National Weather Service official or similar United States agency official, are excepted from any other requirements of this subchapter.

(d) For transportation by other than aircraft, mercury must be packaged—

(1) In any packaging which meets the requirements of part 178 of this subchapter at the Packing Group III performance level; or

(2) In non-specification reusable metal packagings.

(e) Except for a hazardous substance or a hazardous waste or for transportation by aircraft or vessel, packages containing less than 0.45 kg (1.0 pound) net weight of mercury are not subject to the requirements of this subchapter.

(f) For vessel transport, manufactured articles or instruments containing less than 0.45 kg (1.0 pound) of mercury are not subject to the requirements of this subchapter.

[Amdt. 173-224, 55 FR 52643, Dec. 21, 1990, as amended at 56 FR 66270, Dec. 20, 1991; Amdt. 173-241, 59 FR 67509, Dec. 29, 1994; Amdt. 173-246, 60 FR 49110, Sept. 21, 1995; 64 FR 10777, 10778, Mar. 5, 1999; 68 FR 57632, Oct. 6, 2003; 78 FR 1085, Jan. 7, 2013]

§ 173.165 Polyester resin kits.

(a) Polyester resin kits consisting of a base material component (Class 3, Packing Group II or III) and an activator component (Type D, E, or F or-

ganic peroxide that does not require temperature control)—

(1) The organic peroxide component must be packed in inner packagings not over 125 mL (4.22 fluid ounces) net capacity each for liquids or 500 g (17.64 ounces) net capacity each for solids.

(2)(i) Except for transportation by aircraft, the flammable liquid component must be packaged in suitable inner packagings.

(ii) For transportation by aircraft, a Packing Group II base material is limited to a quantity of 5 L (1.3 gallons) in metal or plastic inner packagings and 1 L (0.3 gallons) in glass inner packagings. A Packing Group III base material is limited to a quantity of 10 L (2.6 gallons) in metal or plastic inner packagings and 2.5 L (0.66 gallons) in glass inner packagings.

(3) If the flammable liquid component and the organic peroxide component will not interact dangerously in the event of leakage, they may be packed in the same outer packaging.

(4) The Packing Group assigned will be II or III, according to the criteria for Class 3, applied to the base material. Additionally, polyester resin kits must be packaged in specification combination packagings, based on the performance level required of the base material (II or III) contained within the kit, as prescribed in §§173.202 or 173.203 of this subchapter, as appropriate.

(5) For transportation by aircraft, the following additional requirements apply:

(i) Closures on inner packagings containing liquids must be secured by secondary means;

(ii) Inner packagings containing liquids must be capable of meeting the pressure differential requirements prescribed in §173.27(c); and

(iii) The total quantity of activator and base material may not exceed 5 kg (11 lbs) per package for a Packing Group II base material. The total quantity of activator and base material may not exceed 10 kg (22 lbs) per package for a Packing Group III base material. The total quantity of polyester resin kits per package is calculated on a one-to-one basis (i.e., 1 L equals 1 kg).

(b) Polyester resin kits are eligible for the Small Quantity exceptions in

§173.4 and the Excepted Quantity exceptions in §173.4a, as applicable.

(c) *Consumer commodities.* Until December 31, 2020, a limited quantity package containing a “consumer commodity” as defined in §171.8 of this subchapter may be renamed “Consumer commodity” and reclassified as ORM-D or, until December 31, 2012, as ORM-D-AIR material and offered for transportation and transported in accordance with the applicable provisions of this subchapter in effect on October 1, 2010.

(d) *Consumer commodities.* Until December 31, 2020, a limited quantity package of polyester resin kits that are also consumer commodities as defined in §171.8 of this subchapter may be renamed “Consumer commodity” and reclassified as ORM-D or, until December 31, 2012, as ORM-D-AIR material and offered for transportation and transported in accordance with the applicable provisions of this subchapter in effect on October 1, 2010.

[78 FR 1085, 1115, Jan. 7, 2013]

§ 173.166 Air bag inflators, air bag modules and seat-belt pretensioners.

(a) *Definitions.* An *air bag inflator* (consisting of a casing containing an igniter, a booster material, a gas generant and, in some cases, a pressure receptacle (cylinder)) is a gas generator used to inflate an air bag in a supplemental restraint system in a motor vehicle. An *air bag module* is the air bag inflator plus an inflatable bag assembly. A *seat-belt pretensioner* contains similar hazardous materials and is used in the operation of a seat-belt restraining system in a motor vehicle.

(b) *Classification.* (1) An air bag inflator, air bag module, or seat-belt pretensioner, excluding those which contain flammable or toxic gases or mixtures thereof, may be classed as Class 9 (UN3268) if the air bag inflator, air bag module, or seat-belt pretensioner, or if more than a single air bag inflator, air bag module, or seat-belt pretensioner is involved then the representative of the maximum parameters of each design type, is examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform ex-

amination and testing of explosives under §173.56(b)(1), and who:

(i) Does not manufacture or market explosives, air bag inflators, air bag modules, or seat-belt pretensioners, is not owned in whole or in part, or is not financially dependent upon any entity that manufactures or markets explosives, air bag inflators, air bag modules, or seat-belt pretensioners;

(ii) Performs all examination and testing in accordance with the applicable requirements as specified in Special Provision 160 (see §172.102 of this subchapter); and

(iii) Maintains records in accordance with paragraph (g) of this section.

(iv) By adhering to all the provisions specified in paragraph (b)(1) of this section, the Class 9 (UN3268) air bag inflator, air bag module, or seat-belt pretensioner design is not required to be submitted to the Associate Administrator for approval or assigned an EX number;

(2) An air bag inflator, air bag module, or seat-belt pretensioner may be classed as Division 1.4G if the maximum parameters of each design type has been examined and successfully tested by a person or agency who is authorized by the Associate Administrator to perform such examination and testing of explosives under §173.56(b)(1). For domestic transport, air bag inflators, air bag modules or seat-belt pretensioners that meet the criteria for a Division 1.4G explosive must be transported using the description, “UN0431, Articles, pyrotechnic for technical purposes” as specified in Special Provision 161 (see §172.102 of this subchapter). Further, as a Class 1 explosive, the manufacturer must submit to the Associate Administrator a report of the examination and assignment of a recommended shipping description, division, and compatibility group, and if the Associate Administrator finds the approval request meets the regulatory criteria, the explosive may be approved in writing and assigned an EX number; or

(3) The manufacturer has submitted an application, including a classification issued by the competent authority